

**WINDELS MARX LANE & MITTENDORF, LLP**

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*Special Counsel to Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MARTIN GETTINGER, individually, and in his  
capacity as Trustee for TREBOR MANAGEMENT  
CORP. RETIREMENT PLAN #1, TREBOR  
MANAGEMENT CORP. #3 EMPLOYEE  
PROFIT SHARING PLAN, and MISCORK  
CORP. RETIREMENT PLAN; CLARK  
GETTINGER, individually; TREBOR  
MANAGEMENT CORP. RETIREMENT PLAN  
#1; TREBOR MANAGEMENT CORP. #3  
EMPLOYEE PROFIT SHARING PLAN;  
GETTINGER MANAGEMENT LLC PROFIT

Adv. Pro. No. 10-05046 (SMB)

SHARING PLAN; and MISCORK CORP.  
RETIREMENT PLAN,

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL OF  
ADVERSARY PROCEEDING**

PLEASE TAKE NOTICE that Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel Windels Marx Lane & Mittendorf, LLP, and pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure (making Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure applicable in adversary proceedings), hereby dismisses the above-captioned adversary proceeding with prejudice.

On October 3, 2017, the parties entered into a settlement agreement pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [Dkt. No. 3181]. Pursuant to Bankruptcy Rule 7041, the Trustee is permitted to voluntarily dismiss this adversary proceeding without further order of the Court by filing this Notice of Voluntary Dismissal as, as of the date hereof, the opposing parties have served neither an answer nor a motion for summary judgment.

Dated: New York, New York  
October 12, 2017

By: /s/ Howard L. Simon  
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